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February 4, 2011

Honorable Jack B. Weinstein  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: United States v. Armando Rea, 10-Cr.-767 (JBW)**

Dear Judge Weinstein:

Armando Rea respectfully submits this letter motion and moves the Court pursuant to Federal Rule of Evidence 201 to take judicial notice that Henderson, Nevada is a separate municipality from Las Vegas, Nevada; and therefore to preclude the government from referring to Mr. Rea's move to Henderson as a move to Las Vegas.

**Statement of Facts**

In or about 2004, Armando Rea and his wife moved to Henderson, Nevada, the second largest city in the state, with over 260,000 residents.<sup>1</sup> Henderson, Nevada is geographically and politically distinct from Las Vegas<sup>2</sup>, with a separate municipal government and mayor.<sup>3</sup>

On information and belief, Mr. Rea and his wife chose Henderson because Mr. Rea's mother-in-law had moved to Henderson a year previously, and wanted her daughter to be near her. They were also attracted to Henderson because of its quality of life and affordability. At no

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<sup>1</sup> See City of Henderson: Residents, <http://www.cityofhenderson.com/residents/index.php> (last visited Jan. 16, 2011).

<sup>2</sup> See, e.g. <http://maps.google.com>.

<sup>3</sup> See City of Henderson: Government, <http://www.cityofhenderson.com/government/index.php> (last visited Jan. 16, 2011).

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time did Mr. Rea suggest the move to Nevada or choose to move to Henderson, Nevada for any reason having to do with its proximity to Las Vegas.

### **Argument**

An adjudicative fact that is “not subject to reasonable dispute in that it is . . . capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned” shall be judicially noticed by the Court if the Court is “requested by a party and supplied with the necessary information.” Fed. R. Evid. 201(b), (d). “In a criminal case, the court shall instruct the jury that it may, but is not required to, accept as conclusive any fact judicially noticed.” Fed. R. Evid. 201(g).

Geographical facts are an appropriate subject for judicial notice in that they are “capable of certain verification.” *Alvary v. United States*, 302 F.2d 790, 794 (2d Cir. 1962) (“On fact questions the court should not use the doctrine of judicial notice to go outside the record unless the facts are matters of common knowledge or are capable of certain verification.”). *See also Lewis v. Rawson*, 564 F.3d 569, 572 (2d Cir. 2009) (citing *Boyce Motor Lines v. United States*, 342 U.S. 337, 344 (1952) as recognizing the court’s authority to take judicial notice of geographic locations); *Tucker v. Outwater*, 118 F.3d 930, 935 (2d Cir. 1997) (taking judicial notice of the distinct geographical location of two separate towns); *Paxi, LLC v. Shiseido Americas Corp.*, 636 F. Supp. 2d 275, 280 n.2 (S.D.N.Y. 2009) (citing *Tucker* for the proposition that a court may take judicial notice of a location).

As set forth in the Statement of Facts, *supra*, Henderson, Nevada is the second largest city in Nevada, with its own municipal government. *See* [www.cityofhenderson.com](http://www.cityofhenderson.com). Because Henderson’s status as the second largest city in Nevada and the existence of its municipal government are facts “capable of accurate and ready determination by resort to sources whose

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accuracy cannot reasonably be questioned,” Fed. R. Evid. 201(b), judicial notice of the geographic distinction of Henderson and Las Vegas is proper.

**Conclusion**

Therefore, for the reasons set forth above, Mr. Rea respectfully requests that the Court take judicial notice that Henderson, Nevada, is geographically distinct from Las Vegas, and preclude any conflation of the two cities by the government at trial.

Dated: February 4, 2011  
Brooklyn, New York

\_\_\_\_\_/s/\_\_\_\_\_  
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cc: AUSA Rachel Nash  
AUSA Christina Posa